

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FUAMATALA MOLI,

Plaintiff,

v.

KING COUNTY, et al,

Defendants.

No. 2:23-cv-00823-RSL

STIPULATED MOTION AND  
ORDER TO AMEND COMPLAINT  
AND EXTEND KING COUNTY'S  
DEADLINE TO ANSWER OR  
OTHERWISE RESPOND

**STIPULATION**

Pursuant to Federal Rule of Civil Procedure 15 and Local Civil Rules 7(j), 10(g) and 15, Plaintiff Fuamatala Moli and Defendants King County and King County Metro Transit (together, "King County") hereby agree to (a) permit Plaintiff to file a Second Amended Complaint; and (b) give King County twenty-one (21) days from such filing to answer or otherwise respond, and stipulate as follows:

1. Plaintiff filed the operative Amended Complaint in state court on May 4, 2023, alleging that King County had denied her request for a religious exemption and accommodation from King County Executive Order ACO-8-27-EO, which required County employees to be vaccinated against COVID-19 (unless they received an exemption and accommodation), and

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1 terminated her employment. Dkt. #1-1. Plaintiff brought claims under Title VII and the  
2 Washington Law Against Discrimination (WLAD). After service of the Amended Complaint,  
3 King County removed the case to this Court. Dkt. #1.

4 2. On October 6, 2023, King County's outside counsel entered an appearance in this  
5 matter. Shortly thereafter, its counsel contacted Plaintiff's counsel regarding a potential  
6 amendment to her Amended Complaint. Specifically, King County's counsel noted that federal  
7 courts in Washington and elsewhere have dismissed similar failure-to-accommodate claims where  
8 the plaintiffs fail to allege the specific nature of their religious belief, how the belief conflicted  
9 with a vaccination requirement, or how the plaintiffs provided adequate notice of this belief to  
10 their employers. *See, e.g., Bartholomew v. Washington*, --- F. Supp. 3d ---, No. 3:23-cv-05209-  
11 DGE, 2023 WL 6471627, at \*3 (W.D. Wash. Sept. 21, 2023); *Kiel v. Mayo Clinic Health System*  
12 *Southeast Minnesota*, No. 22-1319 (JRT/ECW), 2023 WL 5000255 (D. Minn. Aug. 4, 2023); *see*  
13 *also Leake v. Raytheon Techs. Corp.*, No. CV-22-00436-TUC-RM, 2023 WL 2242857, at \*5 (D.  
14 Ariz. Feb. 27, 2023). The Amended Complaint does not allege such facts.

15 3. In lieu of moving for judgment on the pleadings at this stage, King County's  
16 counsel suggested that Plaintiff amend her complaint a second time to add such required factual  
17 allegations. Plaintiff agreed to do so. King County consents to the filing of a Second Amended  
18 Complaint. In so consenting, however, King County reserves its right to move to dismiss or for  
19 judgment on the pleadings in the event Plaintiff's allegations, as amended, fail to state plausible  
20 claims for relief.

21 4. Pursuant to Federal Rule of Civil Procedure 15(a)(2) and Local Civil Rule 7(j) the  
22 Parties agree that:

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- 1 a. Plaintiff may file a Second Amended Complaint in the form attached to the  
2 stipulation (Dkt. # 11) as **Exhibit 1**. Pursuant to Local Civil Rule 15,  
3 Exhibit 1 indicates how the Second Amended Complaint differs from the  
operative Amended Complaint; and
- 4 b. King County's deadline to answer or otherwise respond to the Second  
Amended Complaint to twenty-one (21) days from the date Plaintiff files  
the Second Amended Complaint.

5 STIPULATED to this 19th day of December, 2023.

6  
7 PACIFICA LAW GROUP LLP

PACIFIC JUSTICE INSTITUTE

8 s/Zachary J. Pekelis  
9 Zachary J. Pekelis, WSBA #44557

s/Harold H. Franklin, Jr.  
Harold H. Franklin, Jr., WSBA #20486

10 *Counsel for Defendant King County*

*Counsel for Plaintiff*

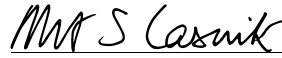
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**ORDER**

**IT IS SO ORDERED**

Dated this 20th day of December, 2023.

  
Robert S. Lasnik  
United States District Judge

Presented by:

PACIFICA LAW GROUP LLP

s/Zachary J. Pekelis  
Zachary Pekelis, WSBA #44557

*Counsel for Defendant King County*

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s/Harold H. Franklin, Jr.  
Harold H. Franklin, Jr., WSBA #20486

*Counsel for Plaintiff*

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